

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, AUGUST 08, 2018**

**I. CALL TO ORDER**

Mayor Rotwein called the meeting to order at 6:00 pm. Council members in attendance: West, Ladwig, Rotwein, Miller, Baker. City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. CLOSED SESSION**

1. Real estate negotiations between the City of Trinidad and Verizon Wireless regarding the Trinidad Head cell site. Pursuant to California Government Code section 54956.8
2. Real estate negotiations between the City of Trinidad and Charles Garth regarding 1 North Westhaven Drive. Pursuant to California Government Code section 54956.8
3. Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957

**IV. CLOSED SESSION REPORT**

- 1) A committee of 2 Councilmembers will be meeting to review the real estate purchase concept.
- 2) Continued follow-up on the Verizon lease negotiation.

**V. APPROVAL OF AGENDA**

*Move the TBAM Resolution up and have it read next on the agenda. Mayor Rotwein read the resolution. Motion (Ladwig/Baker) to approve the agenda as amended. **Passed unanimously.***

**VI. APPROVAL OF MINUTES – 06-14-18 scc, 06-27-18 cc2**

*Motion (Ladwig/Baker) to approve minutes as amended. **Passed unanimously.***

**VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**

**West:** Nothing to report.

**Baker:** Nothing to report.

**Ladwig:** Nothing to report.

**Rotwein:** Met with Planning Commission Chair John Graves on priorities, minute taking, and meeting schedules. Trail safety will be discussed at the next trail meeting.

**Miller:** Update on RCEA Choice Power Program. Their targeted reserves are being met, with an average of 2% savings on everyone's bill.

**VIII. STAFF REPORTS**

City Manager Berman's written staff report was included in the packet. Various highlights included 1) Construction project updates, 2) Stagecoach bridge proposal, 3) working with bookkeeper to get the budget implemented, 4) hiring process underway for Admin and Public Works position, 5) Trail Safety issue on Parker Creek Trail being addressed with help from the Trinidad Coastal Land Trust, 6) Special meeting will be held on 08/09.

**Mayor Rotwein** requested City Manager follow-up on 1) there were no law enforcement reports included, 2) no financial reports included, 3) need to review fines and fees, 4) update our fees for service.

**IX. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Dorothy Cox – Trinidad**

Questions about election deadlines.

**Jim Cuthbertson – Trinidad**

Cherry Trees on East looks ugly. Concerned with the delay of tree cutting permits being issued on Van Wycke.

**Brett Gregory – Trinidad**

Recently resigned from the Planning Commission. The last Commissioner removed by the Council was done so due to unethical behavior. I was recently approached and harassed by Mike Morgan at my business (Salty's). I invite the Council to visit me and watch the video footage my security camera recorded. Quoted a section from the city's ethics code. Apathy is unacceptable and unethical.

## **X. CONSENT AGENDA**

1. Staff Activity Report July 2018  
*Motion (Ladwig/West) to approve #1. Passed unanimously.*
2. Financial Statements June 2018  
*Continue to a future meeting.*
3. Law Enforcement Report July 2018  
*Continued to a future meeting.*
4. Resolution 2018-09; Recognizing the 2<sup>nd</sup> Annual Trinidad Bay Arts and Music Festival, August 10-12 & 17-19.  
*Motion (Miller/West) to approve #4. Passed unanimously.*

## **XI. DISCUSSION/ACTION AGENDA ITEMS**

1. Discussion/Decision regarding City Response to Grand Jury Report.  
City Manager Berman explained that the Humboldt County Grand Jury issued a report regarding short-term rentals in Trinidad, dated June 25<sup>th</sup>, 2018. The City Council and the City Manager, are required to provide a formal response to the findings and recommendations of the report within 90 days, or approximately September 25<sup>th</sup>.

**Baker:** The Grand Jury used a different methodology for this process with Trinidad. They didn't interview any Councilmembers. I'm suspicious that we were the ones being investigated. Why was Jack and I's committee report not included in their findings? The Council was left out of this process. I'd like answers before we respond, and I think our response should be strong.

Public comment included:

**Dorothy Cox** – Trinidad

Question about why the STN response was not published on the City website? The City Manager has not responded to the complaints we submitted months ago. Meet and greets are not happening either.

**Mike Pinske** – Trinidad

While I was on the Planning Commission, Commissioner Johnson and I developed a complaint process flow-chart. This flow chart should be incorporated with the complaint on the website. The Grand Jury suggests that law enforcement should be integrated into the STR regulation enforcement process. This, however, can be problematic. The Grand Jury did not say the ordinance was lacking. The City needs to be willing to commit to the process of improving the STR process.

**Richard Johnson** – Trinidad Planning Commissioner

This is a testament to the community's hard work. The flow chart was intended to have hyperlinks that would reference complaint numbers, and make the complaint status traceable. Chart segments would be linked to various sections of the ordinance for reference.

Written correspondence submitted:

**Kathleen Lake** – STN

Response to the Grand Jury Report dated August 03, 2018.

Council comments included:

**West:** The draft response is good, but needs improvement.

**Miller:** Thanked the Planning Commission for their input tonight. This item is an example of something we've been processing for years. The ordinance is good. The flow chart should be incorporated into the City's complaint system.

**Baker:** When we're asked questions from the public, we need to respond and have legal counsel respond with us, with respect to recusals of Council and Staff. Over the last few years there have been requests by the public for everyone to be fired. If we support the Staff, we should stand behind them.

**Rotwein:** This is a response to a report, not a policy making decision and I agree, we should address recusals in our response.

*Motion (Ladwig/Miller) to volunteer as a committee of 2 to work with the City Manager and develop a final draft response to the Grand Jury that includes legal advice, Council input, and public input and bring back for final approval. **Passed unanimously.***

2. Discussion/Decision regarding the City Personnel Policy Handbook.

City Manager Berman explained that the City last updated its Employee Policies and Procedures Manual in 2013. There have been changes in State laws regarding some leave and employment policies since then which require an update to bring our Manual into compliance with current law.

Consistency and clarification of this Manual will minimize liability exposure to the City, so the project is eligible and has been funded through a grant program administered by the City's insurance provider (PARSAC). The local law firm of Mitchell, Brisso, Delany and Vrieze has reviewed and updated the Manual for consistency with current law. The Firm has now completed the proposed rewrite for legal compliance. The primary changes from the current to the updated version are as follows:

- Clarification of definitions for consistency throughout and to correspond to actual practice;
- Revisions and additions to the Conflict of Interest and Acceptance of Gifts section;
- Modification of sick leave policies to reflect new state law requiring minimum sick leave for all employees (part or full time)
- Incorporation of New Parent Leave Act (required minor changes to our current family leave policy).
- Incorporation of new Harassment and Discrimination policies in accordance with recent state law.
- Revisions to the Drug and Alcohol Use Policy to reflect the legalization of cannabis.

**Other Possible Policy Changes:**

In addition to these changes for legal compliance, the City could also use this adoption of a revised Manual to consider other policy changes. Councilmembers have expressed specific interest in revisiting the current two-tier medical benefits policy, and adding a longevity benefit.

Longevity Policy– staff recommend implementing a fixed percent raise upon completion of 10, and 20 years of service respectively. Staff recommend 2.5% (essentially one additional 'step' in our salary matrix)

**Medical Premiums –**

The current policy is that for employees hired after 2012, the City pays 100% of medical insurance premiums for employees and 70% of the cost for their dependents (spouse and children). For employees hired prior to that change, the City pays 100% of the employee and their dependent's insurance premium.

Our only employee who fell into the more recent '70%' tier has just left City employment. We are about to hire two new employees, so any changes to the tiered policy would apply to them. Staff has done some preliminary investigations into other local city/agency medical benefits, but it may be misleading to compare medical coverage in isolation, when retirement benefits, wages, and medical together are the key components of total compensation.

The Council has budgeted for a compensation study this year. Staff see that as an appropriate place to do a comprehensive analysis of our wages and benefits and evaluate possible changes at that time. Staff's recommendation is to hire the new employees under the existing (revised) Manual, with an explicit agreement with them that the benefits package will be adjusted this year, and the adjustments will apply to them.

There was no public comment.

Council comment included:

**Rotwein:** 1) I'd like to see exit interviews conducted when employees leave the City. 2) 10, 15, 20 year longevity bonuses, and instead of 2.5% at each benchmark, maybe we could consider 1-time payments. 3) Zero dependent coverage until compensation study is performed.

**Ladwig:** I'd rather add insurance coverage instead of taking it away, so it seems best to start with no dependent coverage then add it later if agreeable. The compensation study is very important.

**West:** I support percentage increases at longevity benchmarks.

**Miller:** I'm strongly in favor of covering dependents as the current policy states – 100% for individual, 70% for dependents. I also want to complete the salary study as soon as possible.

*Motion (Rotwein/West) to include an exit interview requirement into the policy. **Passed unanimously.***

*Motion (Ladwig/Baker) to offer the employee 100% medical coverage, but not cover dependents until the compensation study is performed, reviewed, and discussed. **Motion passed 4-1. (No – Miller).***

*Longevity pay discussion tabled to a future meeting, pending more information is presented for consideration.*

3. Discussion/Decision regarding Cell Tower Lease Negotiations.  
*Lease has not been finalized. Item tabled to a future meeting.*

#### **XI. FUTURE AGENDA ITEMS**

- Grand Jury Report
- Longevity Pay
- Review of Fines/Fees
- Procedures for sharing public comments on website and meeting packet
- Noise Ordinance
- Law Enforcement Meeting re: enforcing city ordinances.
- Tuesday, August 14 closed session meeting for City Manager evaluation.
- Second Regular Meeting on August 22 cancelled.
- Special Meeting August 09 to discussion Planning Commissioner issue.
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#### **XIII. ADJOURNMENT: 8:00 pm**

**Submitted by:**

**Approved by:**

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**Gabriel Adams**  
Trinidad City Clerk

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**Susan Rotwein**  
Mayor